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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,034	01/30/2004	Kameswari S. Konduri	KSKO-25,661	7598

7590

08/20/2008

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2329 Coit Road  
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 08/20/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10769034	1/30/2004	KONDURI ET AL.	KSKO-25,661

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**EXAMINER**

KEVIN K.. HILL

ART UNIT	PAPER
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1633

20080813

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Attached is a courtesy copy of the Notification of Non-Compliant Appeal Brief mailed February 6, 2008.

/Kevin K. Hill, Ph.D./  
Examiner, Art Unit 1633



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,034	01/30/2004	Karneswari S. Konduri	KSKO-25,661	7598

7590

02/06/2008

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/06/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	<b>Examiner</b>	<b>Art Unit</b>	
	10/769,034	KONDURI ET AL.	
	Kevin K. Hill, Ph.D.	1633	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 December 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH** or **THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

**Q. JANICE LI, M.D.  
PRIMARY EXAMINER**



Continuation of 10. Other (including any explanation in support of the above items): The Appeal Brief filed December 3, 2007 is non-compliant because:

- a) the status of the claims is incorrect: as per the claim numbering set forth in the Office Action mailed March 1, 2007, claims pending are 1-6, 8-19, 22-38, 41-49, 51-52, claims withdrawn are 6, 14-15, 30-31, 46-47, 51, claims cancelled are 7, 20-21, 39-40, 50, claims objected to are 4, 13, 45, and claims rejected are 1-5, 8-13, 16-19, 22-29, 32-38, 41-45, 48-49 and 52,
- b) the claims presented comprise claim amendments not entered, paper filed July 19, 2007 (after Final), e.g. amendments to claims 1, 3, 13, 18, 28, 29, 34, 44, 45,
- c) the claims presented do not annotate claims 6-7, 14-15, 20-21, 30-31, 39-40, 46-47, and 50-51,
- d) the claims presented comprise new claim amendments not previously presented, e.g. newly amended claim 5 and newly added claim 53,
- e) some claims recite dependency on cancelled claims, e.g. claims 23-25, and
- f) the brief does present arguments under separate headings for the rejections under 112, first paragraph-New Matter, nor 112, second paragraph.

